



## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2021-0169; Airspace Docket No. 21-ASO-3]

RIN 2120-AA66

#### Amendment Class D and Class E Airspace; South Florida

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule, delay of effective date.

**SUMMARY:** This action changes the effective date of a final rule published in the *Federal Register* on September 8, 2021, amending airspace for several airports in the south Florida area. The FAA is delaying the effective date to coincide with the completion of ongoing airspace projects in the area.

**DATES:** The effective date of the final rule published on September 8, 2021 (86 FR 50245) is delayed until May 19, 2022. The Director of the Federal Register approved this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** John Fornito,  
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## **SUPPLEMENTARY INFORMATION:**

### **Background**

The FAA published a final rule in the *Federal Register* for Docket No. FAA 2021-0169 (86 FR 50245, September 8, 2021), amending Class D and Class E airspace for eight airports in the south Florida area. The effective date for that final rule is January 27, 2022. Due to delays in other rule making projects in the area, the FAA is delaying the effective date to May 19, 2022. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

### **Good Cause for No Notice and Comment**

Section 553(b) (3) (B) of Title 5, United States Code, (the Administrative Procedure Act) authorizes agencies to dispense with notice and comment procedures for rules when the agency for “good cause” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the

rulemaking. The FAA finds that prior notice and public comment to this final rule is unnecessary due to the brief length of the extension of the effective date and the fact that there is no substantive change to the rule.

### **Delay of Effective Date**

Accordingly, pursuant to the authority delegated to me, the effective date of the final rule, Airspace Docket 21-ASO-3, as published in the *Federal Register* on September 8, 2021 (86 FR 50245), FR Doc. 2021-19268, is hereby delayed until May 19, 2022.

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389

Issued in College Park, Georgia, on **January 21, 2022.**

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